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DEPARTMENT OF EDUCATION

34 CFR Chapter VI

[Docket No. ED-2014-OPE-0037]

Proposed priority--Language Resource Centers Program

[CFDA Number: 84.229A.]

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Proposed priority.

SUMMARY: The Acting Assistant Secretary for Postsecondary Education proposes a priority for the Language Resource Centers (LRC) Program administered by the International and Foreign Language Education (IFLE) Office. The Acting Assistant Secretary may use this priority for competitions in fiscal year (FY) 2014 and later years. We take this action to focus Federal financial assistance on an identified national need. We intend the priority to make international education opportunities available to more American students.

DATES: We must receive your comments on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: Submit your comments through the Federal eRulemaking Portal or via postal mail, commercial delivery,

or hand delivery. We will not accept comments submitted by fax or by email or those submitted after the comment period. To ensure that we do not receive duplicate copies, please submit your comments only once. In addition, please include the Docket ID at the top of your comments.

- Federal eRulemaking Portal: Go to [www.regulations.gov](http://www.regulations.gov) to submit your comments electronically. Information on using Regulations.gov, including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under "Are you new to the site?"

- Postal Mail, Commercial Delivery, or Hand Delivery: If you mail or deliver your comments about these proposed regulations, address them to Michelle Guilfoil, U.S. Department of Education, 1990 K Street, NW., room 6107, Washington, DC 20006-8502.

Privacy Note: The Department's policy is to make all comments received from members of the public available for public viewing in their entirety on the Federal eRulemaking Portal at [www.regulations.gov](http://www.regulations.gov). Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: Michelle Guilfoil.

Telephone: (202)502-7625 or by email:

<mailto:michelle.guilfoil@ed.gov>.

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1-800-877-8339.

SUPPLEMENTARY INFORMATION:

Invitation to Comment: We invite you to submit comments regarding this proposed priority. To ensure that your comments have maximum effect in developing the final priority, we urge you to identify clearly the section of the proposed priority that each comment addresses.

We invite you to assist us in complying with the specific requirements of Executive Orders 12866 and 13563 and their overall requirement of reducing regulatory burden that might result from this proposed priority. Please let us know of any further ways we could reduce potential costs or increase potential benefits while preserving the effective and efficient administration of the program.

During and after the comment period, you may inspect all public comments about this notice in room 6099, 1990 K St., NW., Washington, DC, between the hours of 8:30 a.m. and 4:00 p.m., Washington, DC time, Monday through Friday of each week except Federal holidays.

Assistance to Individuals with Disabilities in Reviewing the Rulemaking Record: On request we will provide an

appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for this notice. If you want to schedule an appointment for this type of accommodation or auxiliary aid, please contact the person listed under FOR FURTHER INFORMATION CONTACT.

Purpose of Program: The purpose of the LRC Program is to provide grants for establishing, strengthening, and operating centers that serve as resources for improving the Nation's capacity for teaching and learning foreign languages through teacher training, research, materials development, and dissemination projects.

Program Authority: 20 U.S.C. 1123.

Applicable Program Regulations: 34 CFR parts 655 and 669.

PROPOSED PRIORITY: This notice contains one proposed priority.

Background:

Through the LRC Program, the Department makes awards to institutions of higher education or consortia of institutions of higher education to establish, strengthen, and operate centers that serve as resources for improving the Nation's capacity for teaching and learning foreign languages through teacher training, research, materials

development, and dissemination projects. The objective of the LRC Program is to increase the national capacity in world language instruction and learning and to promote the research and dissemination of effective language instruction materials and techniques, among other allowable activities.

We propose a priority for applications that propose collaborative activities with a Minority-Serving Institution (MSI) or community college. We intend for this priority to address a gap in the types of institutions, faculty, and students that have historically benefitted from the instruction, training, and outreach available at Language Resource Centers. Currently, the Language Resource Centers conduct collaborative activities with MSIs and with community colleges only ad hoc, which limits the extent to which the training and research resources of those centers are available to and accessed by students and faculty at MSIs and community colleges. We believe that by specifying the types of institutional collaborations that the Language Resource Centers should engage in, and the types of collaborative activities they should conduct, the activities are more likely both to have a meaningful and measurable effect on students and faculty at MSIs and community colleges and be institutionalized and sustained.

Research data indicate that minority students are less likely to have access to, or consider academic programs that provide the requisite training for careers in international service, including study abroad and area studies. (Tillman, "Diversity in Education Workshop Summary Report", September, 2010.)

Among the barriers preventing these students from pursuing international studies are a lack of exposure to international opportunities, and lack of access to information, including information about international careers. (Belyavina and Bhandari, "Increasing Diversity in International Careers: Economic Challenges and Solutions", International Institute of Education, November 2011.)

We believe that by encouraging LRC institutions and MSIs and community colleges to jointly plan, conduct, and implement activities, the international programming, student instruction, career advising, and faculty development opportunities on all campuses will be strengthened and expanded. These collaborations also enhance institutional capacity to recruit students into international studies and foreign language training.

We believe that successful institutional collaborations between LRC institutions and MSIs and community colleges will increase the access of

traditionally underserved populations to opportunities for foreign language learning and the visibility of international and foreign language programs and activities on the campuses of MSIs and community colleges.

For this priority, we propose a definition of "Minority-Serving Institution" that would include institutions eligible to receive assistance under §§316 through 320 of part A or under part B of Title III or under Title V of the HEA. Title III reflects our national interest in supporting those institutions of higher education that serve low-income and minority students so that access to, and quality of, postsecondary education opportunities may be enhanced for all students. Title V targets Hispanic-Serving Institutions because of the high percentage of Hispanic Americans who are at high risk of not enrolling or graduating from institutions of higher education. The law was designed to reduce the rising disparity between the enrollment of non-Hispanic white students and Hispanic students in postsecondary education.

Accordingly, we propose to use this definition of MSI because both Title III and Title V programs target college student populations that are underrepresented in international education, and we would like to increase the representation of these groups through collaboration

between Title III/Title V institutions and Title VI grantee institutions.

Because the purpose of the priority is to make international education opportunities available to more American students, we propose a definition of "community college" for use with this priority that is broader than the definition in the HEA. The definition of "junior or community college" in section 312(f) of the HEA (20 U.S.C. 1058(f)) excludes institutions that award bachelor's and graduate degrees. For the purpose of this priority, we propose to include in the definition of "community college" institutions that offer bachelor's or graduate degrees if more than 50 percent of the degrees and certificates they award are degrees and certificates that are not bachelor's or graduate degrees. We propose this definition to include institutions that serve significant numbers of students enrolled in programs traditionally offered by community colleges, such as associate degree and certificate programs.

Proposed Priority:

Applications that propose significant and sustained collaborative activities with a Minority-Serving Institution (MSI) (as defined in this notice) or a community college (as defined in this notice). These



activities must be designed to incorporate foreign languages into the curriculum of the MSI or community college and to improve foreign language instruction on the MSI or community college campus.

For the purposes of this priority:

Community college means an institution that meets the definition in section 312(f) of the HEA (20 U.S.C. 1058(f)); or an institution of higher education (as defined in section 101 of the HEA (20 U.S.C. 1001)) that awards degrees and certificates, more than 50 percent of which are not bachelor's degrees (or an equivalent) or master's, professional, or other advanced degrees.

Minority-Serving Institution means an institution that is eligible to receive assistance under §§316 through 320 of part A of Title III, under part B of Title III, or under Title V of the HEA.

Types of Priorities:

When inviting applications for a competition using one or more priorities, we designate the type of each priority as absolute, competitive preference, or invitational through a notice in the Federal Register. The effect of each type of priority follows:

Absolute priority: Under an absolute priority, we consider only applications that meet the priority (34 CFR

75.105(c)(3)).

Competitive preference priority: Under a competitive preference priority, we give competitive preference to an application by (1) awarding additional points, depending on the extent to which the application meets the priority (34 CFR 75.105(c)(2)(i)); or (2) selecting an application that meets the priority over an application of comparable merit that does not meet the priority (34 CFR 75.105(c)(2)(ii)).

Invitational priority: Under an invitational priority, we are particularly interested in applications that meet the priority. However, we do not give an application that meets the priority a preference over other applications (34 CFR 75.105(c)(1)).

Final Priority and Definitions:

We will announce the final priority in a notice in the Federal Register. We will determine the final priority after considering responses to this notice and other information available to the Department. This notice does not preclude us from proposing additional priorities, requirements, definitions, or selection criteria, subject to meeting applicable rulemaking requirements.

Note: This notice does not solicit applications. In any year in which we choose to use this priority, we invite applications through a notice in the Federal Register.

## Executive Orders 12866 and 13563

### Regulatory Impact Analysis

Under Executive Order 12866, the Secretary must determine whether this proposed regulatory action is "significant" and, therefore, subject to the requirements of the Executive order and subject to review by the Office of Management and Budget (OMB). Section 3(f) of Executive Order 12866 defines a "significant regulatory action" as an action likely to result in a rule that may--

(1) Have an annual effect on the economy of \$100 million or more, or adversely affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities in a material way (also referred to as an "economically significant" rule);

(2) Create serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles stated in the Executive order.

This proposed regulatory action is not a significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866.

We have also reviewed this proposed regulatory action under Executive Order 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, Executive Order 13563 requires that an agency--

(1) Propose or adopt regulations only upon a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and taking into account--among other things and to the extent practicable--the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of

compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives--such as user fees or marketable permits--to encourage the desired behavior, or provide information that enables the public to make choices.

Executive Order 13563 also requires an agency "to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible." The Office of Information and Regulatory Affairs of OMB has emphasized that these techniques may include "identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes."

We are issuing this proposed priority only on a reasoned determination that its benefits would justify its costs. In choosing among alternative regulatory approaches, we selected those approaches that would maximize net benefits. Based on the analysis that follows, the Department believes that this regulatory action is consistent with the principles in Executive Order 13563.

We also have determined that this regulatory action would not unduly interfere with State, local, and tribal governments in the exercise of their governmental

functions.

In accordance with both Executive orders, the Department has assessed the potential costs and benefits, both quantitative and qualitative, of this regulatory action. The potential costs are those resulting from statutory requirements and those we have determined as necessary for administering the Department's programs and activities.

#### Paperwork Reduction Act of 1995

As part of its continuing effort to reduce paperwork and respondent burden, the Department provides the general public and Federal agencies with an opportunity to comment on proposed and continuing collections of information in accordance with the PRA (44 U.S.C. 3506 (c)(2)(A)). The Department plans to revise the information collection for the LRC Program by including more detailed guidance to assist applicants in responding to the Evaluation Plan criterion in §§655.31 and 669.21 of the application; and by requiring one new performance measure form (PMF). The PMF will require applicants to identify project goals and project-specific measures for the LRC Program project they propose to conduct. Information will also be provided on how applicants, should they become grantees, will meet and report on the Government Performance and Results Act (GPRA)

measures that have been developed for the LRC Program.

The IFLE Office developed this PMF so that applicants may propose projects with high-quality implementation plans at the outset and will require them to lay a stronger foundation for reporting progress and performance results. Additionally, the form will provide the Department information that is more useful and valid in demonstrating to Congress and other stakeholders the impact of LRC project.

This form may result in some additional time requirements in the application preparation, but will reduce the total burden hours for future grantee reporting as the form is designed for easy data collection and reporting. This form also facilitates the process of developing a sound evaluation plan during the application phase of the process.

The Evaluation Plan criterion in the LRC Program regulations evaluates "the quality of the evaluation plan for the project" and whether "the methods of evaluation are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable," among other factors. We will include in the application detailed guidance on how to respond to this criterion in a more comprehensive and compelling manner.

In order to standardize the kind of performance data to be requested from applicants, we have developed a project-specific PMF and a GPRA PMF. These forms contain the same elements: (a) Project goal statement; (b) Performance measures; (c) Activities; (d) Data/Indicators; (e) Frequency; (f) Data Source; and (g) Baseline and Targets, but the purposes for the forms differ.

Applicants will submit a project-specific form for each project goal that the institutions have deemed as important to the proposed LRC project. For that reason, the total number of project-specific PMFs in each application will vary. Applicants will also be provided with a sample GPRA PMF for reference purposes.

We expect the new evaluation plan for this information collection will increase the applicant burden by an estimated 20 hours per response for a total burden of 100 hours. We believe that this additional time will improve the quality of the submitted applications, and subsequently improve the application review, grant making, and performance reporting processes. When awards are made, grantees will already be fully aware of reporting requirements.

If you want to comment on the proposed information collection requirements, please send your comments to the



Office of Information and Regulatory Affairs, OMB,  
Attention: Desk Officer for U.S. Department of Education.  
Send these comments by email to [OIRA\\_DOCKET@omb.gov](mailto:OIRA_DOCKET@omb.gov) or by  
fax to (202) 395-6974. You may also send a copy of these  
comments to the Department contact named in the ADDRESSES  
section of this preamble or submit electronically through  
the Federal eRulemaking Portal at  
<http://www.regulations.gov> by selecting Docket ID number  
ED-2014-OPE-0037.

Please be advised that the public comment period for  
submitting comments on the notice of proposed priorities  
(NPP) is the same for submitting comments on the  
information collection (IC); therefore, use the NPP Docket  
number as the identifier for both sets of comments. You  
may, however, submit the NPP comments and the IC comments  
separately in the regulations.gov site.

We have prepared an ICR for this collection. In  
preparing your comments you may want to review the ICR,  
which is available at [www.reginfo.gov](http://www.reginfo.gov). Click on  
Information Collection Review. This proposed collection is  
identified as proposed collection 1840-0808 ED-2014-OPE-  
0037.

We consider your comments on this proposed collection  
of information in—

- Deciding whether the proposed collection is necessary for the proper performance of our functions, including whether the information will have practical use;

- Evaluating the accuracy of our estimate of the burden of the proposed collection, including the validity of our methodology and assumptions;

- Enhancing the quality, usefulness, and clarity of the Information we collect; and

- Minimizing the burden on those who must respond. This includes exploring the use of appropriate automated, electronic, mechanical, or other technological collection techniques.

OMB is required to make a decision concerning the collection of information contained in these proposed regulations between 30 and 60 days after publication of this document in the Federal Register. Therefore, to ensure that OMB gives your comments full consideration, it is important that OMB receives your comments by [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]. This does not affect the deadline for your comments to us on the proposed regulations.

Intergovernmental Review: This program is subject to Executive Order 12372 and the regulations in 34 CFR part

79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for this program.

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (e.g., braille, large print, audiotape, or compact disc) on request to the program contact person listed under FOR FURTHER INFORMATION CONTACT.

Electronic Access to This Document: The official version of this document is the document published in the Federal Register. Free Internet access to the official edition of the Federal Register and the Code of Federal Regulations is available via the Federal Digital System at: [www.gpo.gov/fdsys](http://www.gpo.gov/fdsys). At this site you can view this document, as well as all other documents of this Department published in the Federal Register, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the Federal Register by using the article

search feature at: [www.federalregister.gov](http://www.federalregister.gov). Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: March 13, 2014

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Lynn B. Mahaffie,  
Senior Director, Policy  
Coordination, Development, and  
Accreditation Service, delegated  
the authority to perform the  
functions and duties of the  
Assistant Secretary for  
Postsecondary Education.

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